

JUDGE SLOAN HOLDS STORM RESPONSIBLE

Ramification Which Grew Out of Famous Robbery of County Treasury Comes Up in Court And Gains Decision.

(From Friday's Daily)

Developments in the case of Yavapai county versus J. P. Storm heard yesterday in the district court, in which judgment against the defendant was rendered in the amount of \$4,781.32, indicate that the case is only the initial one of many cases of action that it is hinted in official circles may be instituted later. The case heard yesterday grew out of the robbery of the county treasury November 8, 1904, the defendant being then county treasurer.

Storm was found locked in the vault of the treasurer's office the morning of November 9, his mouth gagged and hands bound behind his back with wires. He said that he had been held up by two men the evening before and the treasury robbed. The accounts and cash were checked and counted and a shortage of \$15,316.53 discovered. Storm was arrested and after three trials convicted of appropriating \$1000 of the county funds to his own use, while serving as treasurer and sentenced to serve four years in the territorial prison. The judgment was affirmed by the supreme court of the territory and the case appealed to the United States circuit court at San Francisco, where it is now awaiting a final decision.

After the shortage of \$15,316.53 was reported several "state" checks were found aggregating \$2,868.20, which were paid Treasurer Storm for taxes. The persons who gave the checks to Storm in payment for their taxes paid their respective amounts to the sureties on Storm's bond. Subsequent to the payment to the sureties of the state checks, the sureties compromised the shortage with the board of supervisors by the payment into the county treasury of \$10,000, the \$2,868.20 received for the state checks being included in this amount.

FREIGHT CHARGES ARE NOT A LIEN

(From Friday's Daily)

Judge Sloan, in sustaining the special demurrer interposed by J. Kearney Rice, trustee in bankruptcy of the Arizona Smelting Company, to the cross complaint filed by the S. F. P. & P. Railroad Company in the lien foreclosure suit of Cecil G. Fennell, the Bank of Arizona, the St. Louis, Rocky Mountain and Pacific Company, and other lien claimants versus the Arizona Smelting Company, yesterday decided that the railroad company is not entitled to a lien on the property of the smelting company for the amount due for unpaid freight charges.

In giving the decision the court expressed the opinion that the statute allowing liens to those performing labor and furnishing supplies for the operation of any mill or reduction works was not broad enough to include within its purview the service of transportation furnished by the railroad company. Particularly so, in view of the fact that after surrendering its common law lien under which it is entitled to hold goods transported until the transportation charges are paid, it cannot then assert a lien which is purely statutory and which it requires a broad construction of the law to allow.

The company gave notice in open court of an appeal to the supreme court of the territory. The general opinion among attorneys is that the matter will not be finally adjudicated until passed upon by the supreme court of the United States.

The exact amount of the railroad's claim for transportation charge is not determined, but is known to be sufficiently large to entitle the case to the consideration of the supreme court of the United States.

Attorney Paul Burks represented the railroad company, and Attorney General E. S. Clark represents the plaintiffs Fennell, the Bank of Arizona and the St. Louis, Rocky Mountain and Pacific Company.

Commenting on the demurrer, the court said in substance that the question, as far as the railroad is concerned, is a novel one and one that had not heretofore been presented for adjudication in any court in the country.

In the civil suit yesterday against Storm for the recovery of the balance of the shortage, defendant's attorney claimed that his client was only liable for the amount of the judgment recovered less the \$2,868.20 collected by the sureties for the state checks. His contention was not upheld by the court, who decided that Storm was responsible for all delinquencies in the treasury reported after the robbery. Credit was allowed Storm in the shortage for salary due and some vouchers which had been paid but not entered on the accounts.

Legal authorities now claim that the state checks aggregating \$2,868.20 paid to storm for taxes were never paid into the county treasury and that the taxes are still delinquent. They hold that the payments of the amounts to Storm's sureties were not legal payments for the taxes, inasmuch as the amounts were included in the \$10,000 compromise made with the board of supervisors for the original shortage. It is rumored that the properties owned by the persons who issued the state checks will be entered on the back tax book and suits instituted for the collection of the taxes.

Still another legal feature is being discussed in this promised legacy of lawsuits of the Storm case. Attorneys learned in the law go so far as to claim that the parties who made the state checks good to the sureties have a cause of action against the sureties as the amounts were not paid into the county treasury in payment for their taxes in the usual way.

Further developments in this melange of legal entanglements are eagerly awaited by the several parties concerned. The persons who made the so-called state checks good paid the amounts in good faith and are necessarily expected to contest any further effort made by the authorities to pay the amounts again.

While the arguments advanced in the briefs filed by Attorney Burks on behalf of the railroad company were able and persuasive, still the court thought that the legislature, in enacting the lien law, did not contemplate any such construction as that for which the railroad company contended.

The complicated case grew out of the failure of the Arizona Smelting Company to pay for ores shipped to it and the transportation charges when it closed its smelters last year.

Counsel for the Arizona Smelting Company filed notice for a new trial and served on opposing counsel copies of the motion for the new trial based on thirty distinct and specific statutory grounds.

ROUND UP BURGLARS

Prescott Police Use Dragnet with Great Success.

(From Friday's Daily)

Less than two hours and a half after they entered George Mason's apartments in the Scovel Hotel, a few minutes before 1 o'clock yesterday afternoon and carried away a six-shooter and a suit of underwear, two strangers in the city, giving the names of Frank Scott and John McCoy, were prisoners in the city jail.

McCoy was arrested a few minutes after the burglary by Policeman Frank Heister and Scott was apprehended by Chief of Police Prince at the Head Lumber Company's yard at 3 o'clock after a strenuous chase.

None of the stolen goods were found in McCoy's possession, but the Colt's revolver of 45 caliber belonging to Mason was found in Scott's pistol pocket when arrested. The weapon was identified by Mason.

The daylight burglars are believed to be members of an organized band of four thieves which reached here Wednesday night. A third man, believed to be a member of the gang, was arrested by Night Officer McMahon last night. The prisoners are believed to be the parties who entered a room in the Scherman hotel Wednesday night. The only article stolen was a safety razor.

REPORTS SYLVANITE GROWS BETTER EACH DAY

BISBEE, Dec. 24.—Jack McGregor returned yesterday from Sylvanite, where he was accompanied by Parker Woodman, mining superintendent of the Copper Queen. The latter visited the New Mexico gold camp for the purpose of mapping out the plan of development work to be pursued on the King Solomon and Big John claims in which he is interested with Hoy Kelly, Locher, McGregor and others. The work will consist, in the beginning, of a shaft and a tunnel. The surface showing of this property has been of the best in the new camp, and as they have splendid tunnel sites and are contiguous to the properties that have thus far proven well mineralized on the surface, their exploitation will be followed with much interest.

McGregor says that Butte people have invested in three claims adjoining the Woods mine, \$7,500 having already been paid on the bond entered into by the parties. The Woods property began its ore shipments to the railroad yesterday. The ore will be accumulated at Hachita for a few days until it is decided which smelter it will be sent to, at Douglas or El Paso. Jack reports the district improving every day, insofar as the actual development of the mines is concerned. While the slight boom that characterized the camp's opening month has discontinued there has been no slump such as often follows the overcrowding of new gold camps. Every step now being taken at the Eureka district is taken advisedly, not a week passing without the occurrence of a legitimate sale of property. The misunderstanding that tied up the Holcomb property for several weeks has been adjusted satisfactorily to all parties, and but a few days will elapse before the property will be sending ore to the railroad.

From the present progress of the camp it seems probable that Sylvanite will not experience the long period of dulness that is the usual condition of similar districts in the days of their probation. With several companies developing their properties on a substantial scale it must be seen that so great a time will elapse until the showing made will enlist the attention and capital of mining people of great wealth.

The Montana people who have made the latest purchase recorded are rumored to be members of one of the largest mining concerns in the United States, but definite information as to their personnel has not yet been learned. The Sylvanite Globe Gold development and others of the camp's properties already developed to comparatively large extent as prospects have received offers for their claims that a month ago would have been considered unusual, but in the light of present indications they refuse to entertain a thought of disposing of their properties at what they consider only prospect prices.

The assessment work on the line belt northeast of Sylvanite is employing several miners. Jack Randall visited Bisbee yesterday for a supply of powder and left this morning for New Mexico. Jack says he has never seen so splendid a showing of copper at such depths as marks the uncovering of sulphide ore in that portion of the Eureka district. Jack is a copper miner of thirty years' experience, and his opinion has been corroborated by several others who have visited the properties in question. The great possibilities of the gold ledges have overshadowed the importance of this copper property, but it is destined to make a stir in the future.

When examined by a person having even a rudimentary knowledge of copper ores and formation, it immediately obtruded upon one's mind that very adverse circumstances or other unknown reasons must have operated to cause the property's lack of exploitation during the boom copper days of the past few years.

BURKE-HURLEY CASE UP.

(From Thursday's Daily)

Yesterday's session of the district court was occupied in the introduction of testimony in the case of Dennis Burke versus M. J. Hurley. No decision was announced, the court taking the case under advisement.

The suit was instituted by Burke for the collection of one-half of \$1,586.25, alleged to be due the firm of Burke and Hurley from an insurance company in payment of damages done the Burke Hotel dining room by fire, the night of March 21, 1907. Plaintiff claims his right to the amount sued for by reason of an agreement, in existence at the time between himself and defendant, provided that he was entitled to one-half of all accounts due the firm April 15, 1907, the date of the dissolution of the partnership.

Defendant claims that the amount in dispute was expended in repairing the fire damages to the dining room and also sets up counter claims against Burke.

Journal-Miner for high class job work.

TRADE CONDITIONS GOOD FOR SALE OF COPPER

(From Friday's Daily)

Large producers and consumers of copper express satisfaction with trade prospects, says the Boston Financial News. The American Brass Co. reports that this year's consumption of copper by that company will reach 75,000,000 pounds. If business continues to improve through the first quarter of 1909 at the same rate as has marked the last quarter of the current year, the company will require 100,000,000 pounds of copper in the next twelve months.

Makers of 96 per cent of the national production of sheet, rod and wire brass state that for the current year the aggregate production will be recorded as 150,000,000 pounds. Their plants are working 60 per cent of the productive capacity. When asked for an expression of the views of the copper market, the chairman of the board of directors of the principal association of copper and brass manufacturing corporations working in a community of interest with mines that produce 450,000,000 pounds of copper per annum, under current operation, said:

"There is little buying for account of the big consumers in the local copper market. As a general thing the mills that work up two-thirds of the national production of copper buy early in the month to cover wants well ahead, so that in late years there are about two to three weeks in the domestic copper market when no large sales are recorded to consumers. I have just returned from a trip through 26 of the larger cities of North America. I found trade looking better toward products that will be wanted in the spring and summer than I had reason to expect when starting out from this city. Our agents in Chicago, St. Louis and nine other important distributing cities have closed within two weeks business to the amount of \$3,000,000, which is almost twenty-six per cent more than was entered on our order books in the corresponding period of last year.

"Almost everybody in the copper consuming business seems to be sailing very close to the wind as to stocks of the metal. Conservative buying has become chronic with certain manufacturers and distributors. At present this city, Boston and Philadelphia are about the hottest big cities on the continent, as to the buying copper and brass goods. The central west and southwest are making the best showing.

"Our associates in working up copper and brass own between \$15,000,000 and \$20,000,000 in shares in copper, lead and zinc mines, smelters and electrolytic works. As makers of copper products and as miners of the metals which we work up we give it as our opinion that the statistical position of copper is consolidating. The biggest producer of lake copper is out of the market for several weeks, having sold every ingot it could turn out; that interest is bullish on copper, and expects to get 15 cents for the next contracts. Other lake copper producers are firm at 14½ and 14¾ cents. We bought 4,000,000 pounds of electrolytic copper yesterday at 14½ cents. Two producers declined our proffer of that price, and will not sell at less than 14½ cents. Prime casting copper for spot wants is scarce. Prices range from 34 to 14½ cents. None of the prices quoted by speculative agencies are based upon the possession of copper, except a few tons of stuff worked up from old junk."

HURLEY GOES TO YUMA

Judge Sloan Refuses Bonds Pending Appeal to Higher Court.

(From Friday's Daily)

Whatever hopes E. D. Hurley, convicted of murder and sentenced to imprisonment for life, entertained of being liberated on bonds pending an appeal of his case to the supreme court, vanished yesterday morning, when Judge Sloan denied the application of a certificate for probable cause for an appeal in his case in the district court.

Hurley will be delivered to the territorial prison authorities in Yuma by the sheriff's office the next few days.

Hurley shot and killed Frank J. Conray last October near Hurley's camp in the Black Hills, seven miles south of Jerome.

He was tried and convicted of the crime at this term of court, the jury fixing the sentence at imprisonment for life. The case will be appealed to the supreme court of the territory.

GRABS FOR PRESIDENT'S BEARD

PARIS, Dec. 25.—While Armand Fallieres, president of France, and several companions were taking a stroll today, a poorly clad individual jumped upon the president from behind and throwing his arms about his neck made an effort to seize his beard. Companions dragged the assailant off, and turned him over to the police.

Beyond a scratch on the ear the president was uninjured.

CHRISTMAS GIFT COMES IN SHAPE OF ORE BODY

BENSON, Dec. 24.—Still more good news from the Johnson camp. News that will not only gladden the hearts, at this Christmas time, of those connected with, but of all stockholders in the different mining companies in the camp.

Thursday workmen under Foreman Frank McGovern in the incline shaft of the Copper Chief, made what is reported to be the biggest strike made in that district.

At 340 feet they encountered three feet of black and yellow sulphides and bornite. They have been sinking in it for two days. The ore is very rich and considerable excitement prevails in the camp.

The Copper Chief has always been predicted to become a producer, and rich ore just encountered verifies the prediction. It is one of the properties belonging to the Arizona and Michigan Development Co.

A small engine, weighing fifteen tons, was unloaded this week at Dragoon. It is the property of the Johnson, Dragoon and Northern Railway, and will be used in hauling material for the construction. Workmen have just completed the building of the first bridge on the new road. Almost all the steel is now on the ground.

Superintendent Williams of the Peacock reports the striking of two feet of black sulphide, carbonate and azurite ore. It was encountered in the crosscut at the 65-foot level. They are now drifting on the ore. The assays just returned give the ore values as follows: .04 ounces gold, 20.7 ounces silver, 20.7 per cent copper.

A new bunkhouse is being erected by the Keystone Mining Company.

The Texas and Arizona Mining Company expects to start up work the first of the year. This property is located in the same district as the Stroud property near Dragoon.

Mr. Nelson from Colorado has been here for a week in company with E. W. Dunbar. He is looking up wolframite.

CLAIMS OWNERSHIP TO PART OF CONGRESS

(From Saturday's Daily)

The ownership of a large section of the land upon which the town of Congress now stands is involved in the suit of Englehart and Perkins vs. the Santa Fe Railroad Company, which is being heard today before Charles E. Arnold, register of the United States land office at this place, says the Phoenix Gazette.

This case has been hanging fire for a long time. Englehart and Perkins two business men of the town, claim to own forty acres upon which their places of business and a number of other mercantile establishments stand. The Santa Fe company claims this forty acres and upon the records of the land office it appears that the corporation filed upon the land many years ago.

Englehart and Perkins declare that when the Santa Fe company's agent filed upon the land they had stores thereon and had acquired certain right to the property, through their occupation. The company disputes this, claiming that they did not put up their establishments until after the filing was made.

Upon this point hinges the entire question. If Englehart and Perkins can prove that they did occupy the land before it was filed upon, they have the best of it. On the other hand, if the Santa Fe can prove that the land was vacant when filed upon, it wins. Both sides have a number of witnesses, and during the course of the trial it is expected that the ancient history of Congress will be brought out in detail, as the history of the Salt River valley was brought out when testimony was being taken in the priority water suits.

The case will probably not be concluded for several days.

SAVAGE-TRUMBULL WEDDING.

(From Friday's Daily)

Miss Effie Trumbull of McCabe and Burt L. Savage of Jerome were the principals in a quiet wedding yesterday evening at 5 o'clock in the Marina street Methodist parsonage. Rev. L. W. Wheatley officiated in the presence of only a few intimate friends of the parties.

The bride has been a resident of McCabe several years. She is a charming and accomplished young woman and the favorite in a wide circle of friends.

The groom formerly resided in this city. He is now filling a responsible position with the United Verde Copper Company in Jerome.

The happy couple will leave for the Copper City this morning, where they will reside.

DETROIT, Dec. 25.—Leo Wager was fatally burned at midnight, playing Santa Claus at a family reunion. His cotton whiskers caught fire.

SHAFT SINKER NARROW ESCAPE IN CAVE-IN

(From Saturday's Daily)

Almost covered by a cave in El Capitan mine which broke badly shattered the bones of leg above the ankle was the experience of W. B. Bennett yesterday morning at 10 o'clock. A man was brought to the Hospital here on the afternoon where the injured limb was set surgeon. Late last night as was reported resting easy.

The accident happened in the Capitan shaft, five miles south of Kirkland. The injured man and Pratt, Jr., of this city, were at the shaft by contract. Bennett shoveling in the bottom with his foot resting on the footwall.

heavy rocks above him in the slipped and fell, almost covering and breaking the limb resting on footwall immediately above the. He shouted for help to Pratt, who on the surface. Pratt ran to mouth of the shaft and learning dangerous plight of his partner immediately descended without waiting light his candle. Reaching the he found Bennett lying helpless most covered by the fallen rock immediately extricated him, compelled to use the longest of the shaft as a crowbar to remove large rock from Bennett's limb. With strength almost up as he carried Bennett up the the surface, although Bennett least twenty pounds the heaviest.

Pratt then hurriedly hitched and wagon and drove Bennett to Kirkland, where he arrived in catch the north-bound afternoon which arrives here at 2:45.

Bennett was taken to the stretched on a cot, suffering from the broken limb in driving from mine to Kirkland to catch the. The promptness and good job he displayed in extricating from his perilous position with rocks still hanging over him shaft at the risk of serious himself was the subject of a favorable comment when the accident reached here yesterday.

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CHILDREN OF HAVE CHRISTMAS JUBILEE

(From Saturday's Daily)

Pleasant memories of the Claus and Christmas tree in the Union Army hall, 227 West street, will linger long in the hearts of the forty children who were treated to a Christmas party yesterday. The juvenile guests of the regular Sunday school of several children of the poor of the city.

In addition to the district presents in the hall, Captain Sohn sent out a number of families believed not poor means to purchase the decorations and gladden the hearts of their little ones with appropriate gifts. Only good things were in the baskets. Even chickens, ten pounds of potatoes, pound of coffee, two pounds of sugar, a package of breakfast can of milk, one large mine loaves of bread, a half pound, one can of tomatoes and oranges. In filling the Captain and Mrs. Sohn had furnished of enough food persons two days. Clothing was also distributed by the sisters.

The Christmas tree presented oranges, apples, nuts and as well as numerous toys and appeal to the fancies of children.

Captain and Mrs. Sohn the Salvation Army desire through the columns of the Miner the public general members of the Marina district church in particular contributions received to dening the hearts of the and making a merry Christmas. The members of made liberal donations of clothing the army, and donated money for the purchase of the presents.

Christmas was general in the homes of the children, who among the children, who handsome presents from on Christmas trees.